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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,766	11/17/2003	Takeaki Nakamura	17264	3358
23389	7590	02/24/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			KASZTEJNA, MATTHEW JOHN	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

17

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/714,766	NAKAMURA, TAKEAKI
	<b>Examiner</b>	<b>Art Unit</b>
	Matthew J Kasztejna	3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 17 November 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 111703.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent No. 6,602,185 to Uchikubo in view of U.S Patent No. 6,659,939 to Moll et al.

**In regards to claims 1, and 4,** Uchikubo discloses a remote operation support system comprising: a first control system 24 disposed in an operating room 5; a second control system 32 disposed in a primary support room 6; wherein the a first control system which comprises: an imaging device 10 for imaging a portion to be treated of a patient under operation to obtain an image signal; a first transmission/reception device 27 for transmitting the image signal supplied from the imaging device to the second control system, simultaneously transmitting patient information regarding the patient under operation to the third control system, and receiving support information from the second control system; and a reproduction device 22 for displaying the image signal and reproducing the support information (see Fig. 1). Uchikubo is silent with respect to a third control system located in a secondary support room. Moll et al. teach of an analogous remote telesurgical system which is capable of having multiple master control rooms in which several master surgeons are available to offer support to the surgeon in the operating room. Therefore, a third control system would be present in a

secondary support room (see Col. 45, Lines 50-56 and Fig. 27). This third control system would be inherently connected to the control systems in both the primary support room and the operating room, enabling cooperative surgery (see Col. 45, Lines 50-56). It would have been obvious to one skilled in the art to have at least one secondary support room with a third control system in the system of Uchikubo to provide numerous advantages. As taught by Moll et al. having multiple master surgeons and additional support rooms would ensure the master surgeon does not have to scrub in and out of every procedure. Further, the master surgeon may become extremely specialized in performing part of a surgical procedure by performing just that part of a procedure over and over on many more patients than he otherwise would be able to treat. Thus, particular surgical procedures having distinct portions might be performed much more quickly by having multiple surgeons, with each surgeon each performing one part of the procedure and then moving onto another procedure, without scrubbing between procedures. Moreover, if one or more patients (for whatever reason) would benefit by having a surgeon actually be present, an alternative surgeon (different from the master surgeon) may be on call to one or more operating rooms, ready to jump in and address the patient's needs in person, while the master surgeon moves on treat another patient. Due to increased specialization, further advances in the quality of medical care may be achieved (see Col. 46, Lines 26-52).

**In regards to claims 2-3,** Uchikubo discloses a remote operation support system which is capable of having two-way communication between each control system (see Fig. 1), but is silent with respect to one-way communication between

control systems. The remote control system of Moll et al. teach of the capability of each control system being independent of each other (see Col. 45, Lines 25-28). It would have been obvious to one skilled in the art a the time the invention was made to have independent control systems in the system of Uchikubo to enable multiple surgeons to work on independent aspects of surgery at the same time as taught by Moll et al. (see Col. 45, Lines 15-56).

**In regards to claims 5**, Uchikubo discloses a remote operation support system but is silent with respect a switch for switching between control systems. Moll et al. teach of an analogous remote operation support system having a switch 958 for switching between control systems (see Col 46, Lines 1-25). With the addition of a third control system and a secondary support room, the switch would be inherently capable of switching between both the third and second control systems or all three control systems. It would have been obvious to one skilled in the art a the time the invention was made to include a switch in the system of Uchikubo in order allow control over the desired support being transmitted to the operating room as taught by Moll et al.

**In regards to claim 6**, Uchikubo discloses a remote operation support system, wherein the imaging device includes an endoscopic imaging device 9 having an imaging optical system and an imaging element to image a body cavity, and the first control system further comprises: an image processing unit 14 for converting the image signal, obtained by photoelectric conversion through the imaging element of the endoscopic imaging device, into a video signal; and a first display 22 for displaying an endoscopic

image based on the video signal converted and generated through the image processing unit (see Col. 4, Lines 23-54).

**In regards to claim 7**, Uchikubo discloses a remote operation support system, wherein the first control system further comprises: a visual-field control unit for controlling an imaging area or the viewing direction of the endoscopic imaging device; and a first control unit for controlling at least the visual-field control unit, at least one of the second and third control systems further includes: a second control unit for generating an instruction signal to control the visual-field control unit to the first control unit, and the instruction signal generated through the second control unit is transmitted to the first control unit to control the imaging area or the viewing direction of the endoscopic imaging device (see Col. 1, Lines 55-60). Moll et al. disclose the capability of the surgeons to control the movement of the imaging device (see Col. 45, Lines 50-56).

**In regards to claims 8-21**, the remote control system of Uchikubo and Moll et al. is considered to be inherently capable of the recited method claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent No. 6,697,764 to Corby, Jr. et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

*MK*

2/18/05

*Beverly M. Flanagan*  
BEVERLY M. FLANAGAN  
PRIMARY EXAMINER